

Notice of Allowability

Application No.

09/690,055

Examiner

Mark Fadok

Applicant(s)

BRISIEL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI decision of 3/15/2006 and post appeal comments received 6/7/2006.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 19 April 2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

The examiner is in receipt of the BAPI decision reversing the examiner dated 3/15/2006 and appellant's post Appeal comment received 6/7/2006. The examiner has carefully considered the arguments provided by the applicant and the decision rendered by the Board of appeals, and has found them to be persuasive, therefore the following reasons for allowance are provided:

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jackson on April 19, 2006.

In claim 1, line 12, delete "so that" and insert--for--

In claim 6, line 10, delete "search capabilities that allow" and insert--means for--

In claim 6, line 13, delete "so that" and insert--of--

In claim 6, line 14, delete "is possible"

Allowable Subject Matter

Claims 1-10 are allowed.

The following is an examiner's statement of reasons for allowance of independent claim 1 and 6:

Regarding claims 1

The prior art of record neither anticipates nor fairly and reasonably teaches a method with the claimed features that includes searching both multiple vendor catalogs and items that are available on-line to assure that product that is available in house is not reordered comprising, *inter alia* providing search capabilities for simultaneous searching, by authorized employees, of the multiple vendor catalogs and items that are available on site.

Regarding claims 6

The prior art of record neither anticipates nor fairly and reasonably teaches a system with the claimed features that includes searching both multiple vendor catalogs and items that are available on-line to assure that product that is available in house is not reordered comprising, *inter alia* means for simultaneous searching of the multiple vendor catalogs and items that are available on-site.

Discussion of most relevant art:

US Patents and PG-PUB

(i) US Patent (5,319,542) to King et al discloses a method for creating and updating personal vendor catalogs. King, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(i) US Patent (5,970,475) to Barnes et al discloses a method for allowing corporate purchasers and suppliers to electronically transact for the purchase and supply of goods and services. Barnes, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(i) US Patent (6,023,683) to Johnson et al discloses a method for building a requisition based on a vendor catalog. Johnson, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(i) US Patent (6,418,416) to Rosenberg et al discloses a method for ordering and reordering dispensed items. Rosenberg, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Foreign Patent Documents

(iii) JP 411205585 to Sakaguchi teaches a method for producing a private

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catalog. Sakaguchi, however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Non-Patent Literature

(iv) Roberts article teaches requesting quotes from a plurality of suppliers, however, Roberts fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or

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proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(571) 273-8300 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner